

Introduced by Senator Cedillo

September 3, 2009

Senate Joint Resolution No. 19—Relative to immigration.

LEGISLATIVE COUNSEL'S DIGEST

SJR 19, as introduced, Cedillo. Enforcement of immigration laws.

This measure would condemn specified policies and practices of federal agencies regarding the enforcement of immigration laws, and would urge Congress and the President of the United States to declare an immediate moratorium on those policies and practices until a comprehensive reform of immigration laws is enacted and implemented.

Fiscal committee: no.

1 WHEREAS, The State of California values all of its residents,
2 whether they be citizens, legal residents, or undocumented
3 immigrants, and strives to enable all residents to work and live
4 free from discrimination, exploitation, and repressive federal
5 immigration enforcement; and

6 WHEREAS, In California, the population of which is expected
7 to increase to 54 million by 2040—including a Latino population
8 of 27 million, a Caucasian population of 16 million, and an Asian
9 population of 7 million—immigrants are and will continue to be
10 a critical resource; and

11 WHEREAS, According to the United States Census Bureau, 1
12 of every 8 people living in the United States is an immigrant and
13 approximately one-third of those immigrants are undocumented;
14 and

15 WHEREAS, There are approximately 8.1 million undocumented
16 workers in the United States economy comprising 15 percent of

1 the national labor force with an annual federal tax contribution of
2 more than \$30 billion; and

3 WHEREAS, There is clear evidence that undocumented workers
4 are currently making great contributions to the national economy;
5 and

6 WHEREAS, In California alone, there are 8.9 million
7 immigrants, making up 26 percent of the total population and
8 one-third of California's labor force, who figure prominently in
9 agriculture, manufacturing, construction, and service industries.

10 Those immigrants pay approximately \$4.5 billion in state taxes
11 each year, significantly contributing to California's economy; and

12 WHEREAS, In California, the average immigrant-headed
13 household contributes a net of \$2,679 annually to social security,
14 which is \$539 more than the average household headed by a person
15 born in the United States; and

16 WHEREAS, Immigrants are among California's most productive
17 entrepreneurs, and have created jobs for tens of thousands of
18 Californians. By 2000, immigrant owners of Silicon Valley
19 companies created 72,839 jobs and generated more than \$19.5
20 billion in sales. Google, Sun Microsystems, eBay, and Yahoo! are

21 all companies that were founded or cofounded by immigrants; and
22 WHEREAS, In the absence of comprehensive federal
23 immigration reform, the program initiated under the Bush
24 administration known as "Operation Return to Sender," the federal
25 Department of Homeland Security, through the Bureau of
26 Immigration and Customs Enforcement (ICE), conducted
27 aggressive raids in homes and workplaces in efforts to locate,
28 detain, and deport undocumented immigrants; and

29 WHEREAS, The Obama administration, in order to take action
30 and implement some type of enforcement while federal
31 comprehensive immigration reform is considered, has shifted its
32 focus to an "enforcement only" policy in the form of aggressive
33 unprecedented enforcement against employers who hire
34 immigrants; and

35 WHEREAS, In order to achieve better enforcement, the federal
36 Department of Homeland Security and the federal Social Security
37 Administration seek to require use of the E-Verify system, federal
38 employment verification, audits of profiled companies that hire
39 immigrants, and expansion of police-ICE collaboration. As a result,
40 employers may well engage in prohibited behavior, such as using

1 verification programs for purposes other than verifying
2 employment eligibility or to prescreen employment candidates,
3 resulting in discrimination against workers; and

4 WHEREAS, Latino workers are among the most vulnerable and
5 have a higher likelihood of being disproportionately affected by
6 these programs; and

7 WHEREAS, The employer audits and the mandatory use of the
8 E-Verify system would affect millions of workers, and there is a
9 concern for the broader and negative implications that an expansion
10 of the use of E-Verify by all other sectors will have on the United
11 States workforce during this difficult economic crisis; and

12 WHEREAS, The Congressional Budget Office estimates that a
13 mandatory E-Verify employment verification program would
14 decrease federal revenue by \$17.3 billion over 10 years because
15 more workers would be paid “off the books”; and

16 WHEREAS, In light of the economic crisis our country is
17 currently facing, excessive employer auditing and mandatory use
18 of the E-Verify system add an additional burden to businesses and
19 employers as they are being forced to lay off thousands of workers;
20 and

21 WHEREAS, Companies such as Overhill Farms, American
22 Apparel, Farmer Johns, and Micro Solutions, among others, have
23 been drastically affected by the aggressive enforcement of
24 immigration laws; and

25 WHEREAS, Raids, employer audits, and mandatory use of the
26 E-Verify system harm immigrants, their employers, their
27 communities, and our economy and are disruptive to communities
28 where immigrants have settled and contribute to the growth of
29 local communities; and

30 WHEREAS, Trying to deport 10 million undocumented
31 immigrants would cost at least \$206 billion over 5 years, according
32 to a study by the Center for American Progress; and

33 WHEREAS, If workers targeted by these enforcement efforts
34 were removed from the workforce, the effects would ripple through
35 many industries as they would face substantial shortages of
36 workers; and

37 WHEREAS, We cannot speak of resolving the current economic
38 crisis, or important health or security concerns, without addressing
39 the interwoven issue of immigration; and

1 WHEREAS, The recent actions of ICE run counter to the
2 principles of this country, which was founded on immigration and
3 where early Irish, Italian, Asian, and African American families
4 founded some of the country's most important institutions; and

5 WHEREAS, The increase and severity of ICE's actions in our
6 country only underscores the absolute ineffectiveness of current
7 federal immigration policy and the urgent need for comprehensive
8 immigration reform; and

9 WHEREAS, Our current immigration system is broken and
10 greatly in need of reform. In order to create real, long-lasting
11 reform, we must create a pathway to legal status for the millions
12 of undocumented immigrants who have made lives for themselves
13 and their families in the United States; and

14 WHEREAS, After a meeting between President Barack Obama,
15 Canadian Prime Minister Stephen Harper, and Mexican President
16 Felipe Calderon in Guadalajara, Mexico, President Obama
17 announced that immigration reform legislation will have to wait
18 until 2010; and

19 WHEREAS, If reform is not possible this year, relief in the form
20 of a moratorium on employer sanctions, raids, deportations, the
21 use of E-Verify, and prolonged detention for immigration-related
22 offenses is absolutely necessary to maintain stability in our
23 communities and to minimize economic disruption. A moratorium
24 on the Obama enforcement strategy will provide temporary relief
25 from the policies and practices that are tearing up the integrity and
26 unity of our families and at the same time provide the federal
27 government the necessary time to propose, debate, and enact
28 comprehensive immigration reform; and

29 WHEREAS, Without a balanced approach on immigration and
30 economic recovery, security planning, public health, and the lives
31 of 12 to 18 million people will remain in limbo; and

32 WHEREAS, Former federal Secretary of State Condoleezza
33 Rice recently announced that one of her biggest regrets during her
34 term of service for the Bush administration was not achieving
35 immigration reform. She also stated immigrants were critical to
36 the country's financial health, and that reform was needed to fuel
37 the next round of economic growth, referring to immigrants as
38 "one of the strongest elements not only of our national wealth, but
39 also of our national soul"; and

1 WHEREAS, We are a nation of immigrants that continues to
2 be a beacon of hope and liberty, attracting the best and brightest
3 from across the globe who fight to start a better life in our country
4 and take part in the American dream; now, therefore, be it

5 *Resolved by the Senate and the Assembly of the State of*
6 *California, jointly,* That the Legislature hereby condemns the
7 excessive employer audits, mandatory use of the E-Verify system,
8 immigration raids, arrests, detentions, and deportations of
9 undocumented immigrants conducted by the federal Department
10 of Homeland Security, through the Bureau of Immigration and
11 Customs Enforcement; and be it further

12 *Resolved,* That the Legislature urges Congress and the President
13 of the United States to declare an immediate moratorium on the
14 aggressive, unprecedented enforcement of employer sanctions,
15 including excessive audits of profiled companies that hire
16 immigrants, the expanded use of the E-Verify system, the federal
17 system of employment verification, the expansion of police-ICE
18 collaboration, and immigration raids in the State of California,
19 until our nation can enact and implement a comprehensive and
20 just reform of our immigration laws with a comprehensive
21 immigration program that recognizes the broad contributions
22 immigrants have made to the fabric of the country; and be it further

23 *Resolved,* That the Secretary of the Senate transmit copies of
24 this resolution to the President and the Vice President of the United
25 States, to the Speaker of the House of Representatives, and to each
26 Senator and representative from California in the Congress of the
27 United States.

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